

## REMARKS

### REJECTION OF CLAIMS 1-4 AND 7 UNDER 35 USC 102(b)

The Examiner has again rejected Claims 1-4 and 7 as being anticipated by Brouwer et al (Reference N, cited by the Examiner). Applicant had amended the proviso of Claims 1 and 2 to disclaim compounds of a particular substitution pattern wherein R8 is substituted or unsubstituted NH-phenyl and *wherein either the nitrogen atom or the phenyl ring is substituted or unsubstituted*. However, the Examiner asserts that the proviso is not sufficient to distinguish every compound as disclosed by the Brouwer reference. The Examiner stated that the “Brouwer et al reference teaches the following compound disclosed by the chemical name 2-chloro-N-[[[4-[[[(4-chlorophenyl)propylamino]carbonyl]amino]-3-(trifluoromethyl)phenyl]amino]carbonyl]-benzamide, which is depicted below.” Applicants assume that the Examiner intended to refer Applicants to compound (73) rather than compound (63) of the Brower et al reference. Compound (63) refers to a 3-methyl compound. Such a compound is not being claimed by Applicants.

Applicants have further amended the proviso to disclaim the overlap with the CF<sub>3</sub> substituted compound i.e. Applicants are disclaiming the following:

R3, R4 or R5 is CF<sub>3</sub>;

R6 is H or CF<sub>3</sub>;

R7 is H;

X is O; and

Y is O, S;

R8 is substituted or unsubstituted NH-phenyl wherein either the nitrogen atom or the phenyl ring is substituted or unsubstituted.

Applicants believe this amendment is sufficient to eliminate any overlap with the compound genus and/or species disclosed in Brouwer.

## **Conclusion**

In view of the amendment and remarks contained herein, Applicants submit the application is in condition for allowance. Applicant would again like to remind Examiner that once the compounds of the present invention are found to be novel and nonobvious, at least one method claim should be rejoined pursuant to linking claim practice even though Applicant has currently designated all method claims as “withdrawn” in accordance with the current restriction requirement.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. **18-1982** in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara E. Kurys', is written over a horizontal line.

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